

5-17-A. Civil Judicial Enforcement Actions (1200 TN 350 5-17A)**1. AUTHORITY.**

- a. To request the Attorney General to appear and represent the Agency in any civil enforcement actions, including actions to collect unpaid penalties, and to intervene in any civil enforcement actions instituted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and
- b. To request the Attorney General to decline to prosecute previously referred civil enforcement actions or cease prosecution of previously filed civil judicial actions.

2. TO WHOM DELEGATED. Deputy Regional Administrator.**3. LIMITATIONS.**

- a. The delegatee must notify the Assistant Administrator the Office of Enforcement and Compliance Assurance (AA/OECA) prior to the time he/she refers cases to the Department of Justice.
- b. The delegatee must obtain the advance concurrence of the Regional Counsel (RC) on the legal sufficiency of the action before exercising the authorities in 1.a. and 1.b. The RC may waive the concurrence requirement in writing.

4. REDELEGATION AUTHORITY.

- a. The authorities in 1.a. and 1.b. may be redelegated to the branch chief level and no further.
- b. This authority may not be redelegated without formal amendment.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977.
- b. Section 16 (c) of FIFRA.

5-17-A. Civil Judicial Enforcement Actions (continued)

- c. See the Chapter 5 delegation entitled "Emergency TRO's for Regional Administrators - authority to make direct referrals of requests for emergency FIFRA Temporary Restraining Orders.

6. SUPERSESSION. Delegations Manual, FIFRA, Regional Delegation 5-17-A, Civil Judicial Enforcement Actions, 1200 TN RIII 84 (February 15, 1990).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator